

REMARKS

Reconsideration of this Application is respectfully requested. Claims 10-28 and 30-32 are currently pending, with claims 10, 21 and 26 being the independent claims. Claims 10, 21 and 26 are amended herein. Claim 29 has been canceled (claims 1-9 were previously canceled). The Applicant respectfully submits that these amendments and new claims introduce no new matter. Moreover, the Applicant respectfully requests that these amendments be entered as they place the application in a condition for allowance and/or in better form for appeal. Based on the above Amendments and the following Remarks, the Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections.

Interview Summary

The undersigned appreciates the time and attention extended by Examiner Snow during the telephonic interview conducted on October 10, 2006. During the interview, the Applicant proposed amending the claims to clarify that the claims are directed towards a medical stent having a third section of the stent body comprises a co-extrusion of the first and second materials that are arranged asymmetrically. The Examiner agreed that the proposed amendments appeared to distinguish over U.S. Patent No. 4,874,360 to Goldberg et al. ("Goldberg") and U.S. Patent No. 6,135,992 to Wang ("Wang").

Rejections under Nonstatutory Obvious-Type Double Patenting

Claims 10-26 were rejected on the ground of nonstatutory obvious-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,620,202 to Bottcher et al. and claims 1-9 of U.S. Patent No. 6,719,804 to St. Pierre. The Assignee has previously submitted terminal disclaimers in compliance with 37 CFR § 1.321(b). Accordingly, the Applicant requests that the nonstatutory obvious-type double patenting rejection be withdrawn.

Rejections Under 35 U.S.C. § 103

Claims 10-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Goldberg* in view of *Wang*. *Goldberg* discloses a ureteral stent having a proximal hook portion (13) that is substantially stiffer than the remainder of the stent. Column 4, Lines 2-6. More particularly, *Goldberg* discloses that the proximal hook portion is joined to the remainder of the stent by a polyurethane material (22), which is disposed between the proximal hook portion and the remainder of the stent. Column 3, Lines 18-28. *Wang* discloses a catheter constructed from two materials that are co-extruded to form a wedge-like joint between the two materials. Column 3, Lines 12-15.

As discussed during the interview, neither *Goldberg* nor *Wang*, alone or in proper combination, disclose or suggest all of the claim limitations. *See* MPEP Sections 2131 and 2143.03. More particularly, unlike independent claims 10, 21 and 26, *Goldberg* and *Wang* fail to disclose or suggest a medical stent having a third section comprising a co-extrusion of the first and second materials wherein the first material and the second

material are “arranged substantially asymmetrically within a plane normal to the longitudinal axis.”

Accordingly, the Applicant respectfully submits that, for at least this reason, independent claims 10, 21 and 26, and their respective dependent claims, are patentably distinct from *Goldberg, Wang* and any proper combination thereof.

Conclusion

All of the stated grounds of rejection and objection have been properly traversed or rendered moot. The Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. The Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of this application is respectfully requested.

Prompt and favorable consideration of this Amendment is respectfully requested.

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